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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,065	01/19/2001	Bradley Allen Bowlin	10006826-1	8299

7590 10/24/2005

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EXAMINER	
HENEGHAN, MATTHEW E	
ART UNIT	PAPER NUMBER
2134	

DATE MAILED: 10/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/766,065	BOWLIN, BRADLEY ALLEN	
	Examiner	Art Unit	
	Matthew Heneghan	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 August 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *19 January 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. In response to the most recent office action, Applicant has amended claims 1, 9, 16, and 31. Claims 1-31 have been examined.

Claim Rejections - 35 USC § 112

2. In view of Applicant's amendments, all previous rejections under 35 U.S.C. 112 have been withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 2, 5, 6, 9, 14-16, 17, 20, 21, 24, and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,903,720 to Stokes in view of U.S. Patent No. 6,295,605 to Dockter et al.

Regarding claims 1, 16, and 31, Stokes discloses an object authorization system wherein databases are maintained designating files as belonging to certain objects (i.e.

safe zones), and authorization spaces (information structures) which contain access rights determining whether particular users' permission levels (filters) for files within the respective objects. These structures are used in response to attempted file accesses (see column 5, line 44 to column 6, line 31). Each object may be a file (see column 5, lines 27-32), and the collection of objects constitutes the first database.

Stokes does not specifically disclose that an object may be public, but does note that his invention may be plugged in to other authorization systems (see column 8, lines 13-21).

Dockter discloses a system wherein a resource is checked to see if it is publicly available before performing a more sophisticated check, and suggests that this is done because the public check is quicker (see column 4, lines 15-55).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the invention of Stokes by having one of the authorization database be for public files (the non-safe zone), and check it first before a more sophisticated access test, as disclosed by Dockter, because a public check is quicker.

As per claims 2 and 17, the invention is designed to grant or deny access requests (see Stokes, column 11, line 63 to column 12, line 8).

As per claims 5 and 20, methods for manipulating objects are provided (see Stokes, column 8, line 24 to column 9, line 36).

As per claims 6 and 21, methods for manipulating authorization spaces are provided (see Stokes, column 9, line 39 to column 10, line 51).

Regarding claims 9 and 24, Stokes' invention constitutes a "distributed database" insofar as the term is defined in Applicant's specification. Stokes discloses the hierarchical organization of objects, allowing disparate objects to be organized into a safe zone (see Stokes, column 7, lines 25-47).

As per claims 14 and 29, the object system is layered between the native operating system and the outside world, thus making it an operating system, per se (see Stokes, column 5, lines 44-65 and figure 1).

Regarding claim 15 and 30, Stokes' invention is usable with any type of file I/O. It therefore may be activated by the receiving of a remote query.

4. Claims 3, 4, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,903,720 to Stokes in view of U.S. Patent No. 6,295,605 to Dockter et al. as applied to claims 1 and 16 above, and further in view of U.S. Patent No. 6,189,032 to Susaki et al.

Stokes and Dockter do not show if access to a file is denied, then subsequently prompting said user to confirm or reverse said decision to deny access.

Susaki teaches displays (prompting) the identifier of a user who made the service supply request, user authority level, and identifier of the service being the object of the service supply request, which prompts to select a button to permit (confirm) or not permit (deny) the approval request (Susaki, col. 11, line 57-62), and suggests that even if an approval and consent are required in case a user of the client terminal receives a

service that the server provides, the access to the foregoing service by the concerned user can properly be controlled (Susaki, col. 2, line 48-52).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Stokes and Dockter as per teaching of Susaki to provide a client-server system, a server, and a client terminal, whereby, even if an approval and consent are required in case a user of the client terminal receives a service that the server provides, the access to the foregoing service by the concerned user can properly be controlled.

5. Claims 7, 8, 10, 22, 23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,903,720 to Stokes in view of U.S. Patent No. 6,295,605 to Dockter et al. as applied to claims 1, 9, 16, and 24 above, and further in view of U.S. Patent No. 6,092,201 to Turnbull et al.

Stokes and Dockter do not disclose the encrypting of the databases.

Turnbull discloses the usage of list of authorization parameters (see column 3, lines 16-19), wherein the lists may be encrypted in order to limit access to authorized users (see column 9, lines 38-42).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Stokes and Dockter by encrypting the two databases, as disclosed by Turnbull, in order to further limit access only to authorized users.

6. Claims 11-13 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,903,720 to Stokes in view of U.S. Patent No. 6,295,605 to Dockter et al. as applied to claims 1 and 16 above, and further in view of U.S. Patent No. 6,647,400 to Moran.

Regarding claims 11 and 26, Stokes and Dockter do not show the attempting to determine whether an illegal request was initiated by a Trojan process.

Moran teach an intrusion detection system comprises a signature checking mechanism configured to compute a signature of a file, compare it to a file signature previously computed by the signature checking mechanism, and compare it to a file signature previously computed by other than the signature checking mechanism (a determining step towards identifying a Trojan, Moran, col. 4, line 9-16). Moran further suggests the need to search a wide variety of relationships in order to provide a detailed assessment of one or more attacks (see column 11, lines 3-14).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Stokes and Dockter as per teaching of Moran to include the improved system and method for detecting computer intrusion (Moran, col. 3, line 21-22), as there is a need to search a wide variety of relationships in order to provide a detailed assessment of one or more attacks.

Regarding claims 12 and 27, Moran further shows wherein attempting to determine whether said request was wherein attempting to initiated by a Trojan process comprises determining what application the request appears to be associated with, and also determining whether a timestamp which is associated with the request is consistent

with one or more timestamps associated with the application's install (Moran, col. 4, line 25-29).

Regarding claims 13 and 28, Moran further teaches intrusion detection system comprises an analysis engine and a configuration discovery mechanism for locating system files on a host. The configuration discovery mechanism communicates the locations of these files to the analysis engine (Moran, col. 3, line 63-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Stokes and Dockter as per teaching of Moran to include the improved system and method for detecting computer intrusion (Moran, col. 3, line 21-22), as there is a need to search a wide variety of relationships in order to provide a detailed assessment of one or more attacks.

Response to Arguments

Applicant's arguments, see Remarks, filed 8 August 2005, with respect to the rejections of the claims under 35 U.S.C. 102 and 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, new grounds of rejection are made in view of the art cited above.

Stokes does not disclose on what basis one is to be allowed access to a file, but only that files having a common access function be grouped together. Each of these groups constitutes a "zone." See Stokes, column 9, line 37 to column 10, line 51. A zone that has at least one restriction to access is "safe." It is common for systems to

have public files that have no restrictions to access; the set of these files, having an access functionality in common, would likewise constitute a zone. The concept of public files and the treatment of such a set of files is addressed by Dockter.

In response to applicant's argument that Susaki is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Susaki is only being relied upon as a mechanism for prompting for an outside prompting in the case that access would other wise be denied. It is noted that Susaki does not make the prompting of the user mandatory; access may be determined without user intervention (see Susaki, figure 15 and column 14, lines 20-39).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 5,915,086 to Buzsaki et al. discloses an upgrade system that includes a determination as to whether an authorization check is necessary.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew E. Heneghan, whose telephone number is (571) 272-3834. The examiner can normally be reached on Monday-Friday from 8:30 AM - 4:30 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse, can be reached at (571) 272-3838.

Any response to this action should be mailed to:
Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450
Or faxed to:
(571) 273-3800

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MEH

October 19, 2005

GREGORY MORSE
SUPERVISORY PATENT EXAMINER
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